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DEC 14 2004

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P. O. BOX 37428
RALEIGH, NC 27627

In re Application of
Fredereico Mailand
Serial No.: 10/016,005
Filed: November 1, 2001
Attorney Docket No.: 9056-5CT


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: PETITION DECISION
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This is in response to the petition under 37 CFR 1.181, filed July 14, 2004, requesting waiver of extension of time fees.

A review of the file history shows that the examiner mailed a Final Office action to applicant on January 14, 2004, setting a three month shortened statutory period for reply. Applicants state that a reply to the Final Office action was filed February 23, 2004, and received by the Office as evidenced by an Office date stamped return postcard. These papers were never correlated with the file and were not seen by the examiner until applicant filed a facsimile copy of the reply on June 14, 2004. Applicants filed a Notice of Appeal on July 14, 2004, (the final day of the maximum six month statutory reply period) prior to receiving an Advisory Action and requests that no extension of time fee be assessed in view of Office policies.

The petition is **GRANTED**. No fees for extension of time have been required for filing the Notice of Appeal.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.


Bruce M. Kisliuk

Director, Technology Center 1600